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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Attorney Docket No. 016887/0923

In re patent application of
Mutsumu SERIZAWA et al.

Serial No. 09/055,973

Group Art Unit: 2745

Filed: April 7, 1998

Examiner: T. Le

For: RADIO COMMUNICATION SYSTEM INCLUDING SDL HAVING
TRANSMISSION RATE OF RELATIVELY HIGH SPEED

TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(c)
TO OBVIATE DOUBLE PATENTING REJECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Kabushiki Kaisha Toshiba of Kawasaki-shi, Japan, (hereafter "ASSIGNEE") is the sole owner of the entire right, title and interest in the above-identified application and U.S. Patent No. 5,754,961 (hereafter "the Earlier Patent"). The assignment for the Earlier Patent was recorded in the PTO, identified by Reel 77/16, Frame 0303 (copy attached).

ASSIGNEE disclaims the terminal part of the term of a patent (hereafter "Later Patent") granted on the above-identified application, which Later Patent would extend beyond the full statutory term, as presently shortened by any terminal disclaimer, of the Earlier Patent. ASSIGNEE also agrees that the Later Patent shall be enforceable only for and during the period in which the legal title to the Later Patent is the same as the legal title to the Earlier Patent. This agreement is to run with the Later Patent and is to be binding upon the grantor or its successors or assigns.

In making the above disclaimer, ASSIGNEE does not disclaim any terminal part of the Later Patent before the full statutory expiration term (as defined in 35 U.S.C. §§ 154-156 and 173) of the Earlier Patent, in the event that the Earlier Patent later: expires for failure to pay maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or otherwise under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate or an interference proceeding, is reissued, or is otherwise terminated before expiration of its statutory term, except for the separation of legal title stated above.

Further, ASSIGNEE does not disclaim any extension or restoration of term relating to the Later Patent, which extension or restoration is effected under any applicable statute.

A check for the required fee for this terminal disclaimer is enclosed herewith. Any deficiency or overpayment should be charged or credited to Foley & Lardner Deposit Account No. 19-0741.

The undersigned is an Attorney of Record of this application.

Respectfully submitted,

7 June 1999
Date

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